

Exhibit A

1 Wednesday, December 11, 2019

2 Deposition of RYAN GERMANY

3 *** ROUGH DRAFT ***

4

5 WARNING!

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8 proceedings is produced in instant form by Certified
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25

1 counties pay for it. But because this was a new
2 process and I don't think they had budgeted for it, we
3 paid for it.

4 But it was handled the same way where
5 we prepared the notice, sent it to the counties. I'm
6 not sure actually if we mailed it out or if the
7 counties mailed it out. Normally the counties mail it
8 out. I'm not sure. But that notice has been sent
9 out. When it's sent out, it starts a 40-day clock for
10 getting it returned. And I believe the 40-day clock
11 is going to expire sometime next week.

12 Q. And when will these people who did not
13 respond to the notice -- when will they be moved from
14 inactive to canceled?

15 A. I believe it's December 16th, but it's
16 a date around there.

17 MR. RUSSO: Don't speculate.

18 Q. (BY MR. CHANDLER:) I want to know
19 whether it's December, January, or next June.

20 A. I think it happens next week.

21 Q. Okay. How do you know if somebody
22 responds?

23 A. The counties will get that, and then
24 they will put it into ENET.

25 Q. If somebody in Fulton County is on this

1 list, the postcard or the notice that went out will have
2 the prepaid postcard returned to the Fulton County
3 elections office?

4 A. Yes, sir.

5 Q. And then they would have to update it?

6 A. Yes, sir.

7 Q. How long -- well, there's a hypothetical
8 question. How long do they have to do that. I guess it
9 depends on when somebody sends back to postcard, doesn't
10 it?

11 A. Correct. That's why we give 40 days
12 instead of 30 to kind of account for mailing time.

13 Q. If registrations are canceled, do you
14 know whether the Secretary of State's office has the
15 ability to reverse that and put them back on the roll?

16 A. Yes, we do have that ability.

17 Q. If somebody is canceled, for some reason
18 didn't pay attention to either of the postcards and goes
19 into vote, they can't vote that day; right?

20 A. Correct. It's assuming they're not
21 properly registered to vote.

22 Q. Well, assume they were properly
23 registered to vote but have not been canceled?

24 A. And haven't reregistered.

25 Q. They haven't reregistered and which is a

1 period of time before the election; right?

2 A. You can register generally up to --
3 it's 30 days before the election.

4 Q. Okay. What I'm positing is a person who
5 didn't pay attention to the postcards says, okay, I'm
6 going to go vote today and goes in and finds that they
7 have been canceled, they can't vote that day, can they?

8 A. So that person would not be registered
9 to vote, so they could vote -- there's a process that
10 they could vote provisionally. If they're not
11 registered -- if they didn't reregister, then
12 generally, no, they would not be.

13 Q. So you're using the term "not registered"
14 to mean that when they have been removed from the roll,
15 they're no longer registered?

16 A. Correct. Yes, sir. That's right. Are
17 we at a point where we can --

18 Q. We absolutely can stop any time you --

19 A. Whenever is good for you.

20 Q. Now is fine. Take out of your tether.

21 THE VIDEOGRAPHER: We are now going off
22 the record at 10:32 a.m.

23 (Said deposition was in recess
24 at 10:32 a.m. until 10:45 a.m.,
25 after which the following

1 occurred:)

2 THE VIDEOGRAPHER: We are going back on
3 the record at 10:45 a.m.

4 Q. (BY MR. CHANDLER:) A couple of more
5 questions about Exhibit 105, the first page of that
6 December list.

7 Does Secretary of State use any of
8 methods to try to figure out whether people have moved
9 other than no contact?

10 A. Other than no contact and national
11 change of address and return mail?

12 Q. Yes.

13 A. So no. We have recently joined a
14 multistate group called ERIC.

15 Q. ERIC.

16 A. And that uses, I think, generally the
17 same processes, but it adds some more data so we can
18 get kind of better data. But I think it's still
19 basically those three buckets.

20 Q. But that's effectively after 20 the 0
21 election, is it not?

22 A. Well, we hope to start -- we've already
23 joined ERIC, so we're working with them to get the
24 data that we need. You, one part of it is send ing
25 out voter registration applications to people that are

1 here as indicated by driver services buzz not
2 registered. And that should take place in 2020.

3 Q. ERIC has a very good reputation for
4 accuracy about people moving, national change of
5 address, does it not?

6 A. I believe so.

7 Q. It has a number of states who are members
8 and blue states, red states?

9 A. Yes, sir.

10 Q. Okay. Now, on Exhibit 105, how long has
11 it been with no contact for the people on this list?

12 A. So these people have been inactive for
13 the past two general elections. So that would be 2018
14 and 2016. And then for some of them, the ones that
15 are in -- their inactive reason is no contact, they
16 would have had an even longer time of no contact. For
17 those people, I believe it goes back to the 2012
18 presidential election.

19 Q. For just the no contacts? No contacts go
20 back to 2012?

21 A. Yes, sir.

22 Q. And the others are the 2016 and 2018
23 elections?

24 A. The way it works is -- the problem is
25 no contact is used two different ways. The first --

1 under the column inactive reason, where it says no
2 contact, that refers to you got a confirmation card at
3 this point sometime, I guess, in 2015 saying hey, we
4 haven't had contact with you since -- at that point it
5 would have been before the 2012 November election.

6 So those people have not had any
7 contact since 2012. And then they were moved into
8 inactive in 2015 after not having a confirmation card.
9 And now they're going to be moved to canceled.

10 But for people -- like if you get
11 return mail -- if I get return mail, that happens
12 essentially right away. So I could have voted in 2014
13 and then a county gets return mail, they send a
14 confirmation card. If they don't receive it back,
15 then you're moved into inactive. And you still have
16 to sit in inactive status for two general election
17 cycles before you're subject to -- we call it NGE,
18 basically, you know, being canceled.

19 So I guess the answer is they're all --
20 this list is the people who have been inactive with no
21 contact for the last two general election cycles. But
22 their last contact -- it's certainly going to be
23 before that, but it could be a different date before
24 that, depending on their reason.

25 Q. That's very helpful. I'm still not

1 entirely clear. The people who are described on Exhibit
2 105 as no contact are people for whom -- or about whom
3 there has been no can't since before the 2012 election?

4 A. Since before the November 2012
5 election, yes, sir.

6 Q. And for people who are return mail, it
7 may be more recent no contact?

8 A. Correct. They'll all -- everyone on
9 this list has been inactive with no contact since
10 whatever -- whatever -- looking back over the past two
11 general election cycles, so pre-2016, I would think.
12 I can't give you an exact date.

13 Q. Okay.

14 A. But the initial reason as to why they
15 went inactive could affect their last contact date.

16 Q. Do you essentially have two buckets, the
17 no contact and everybody else?

18 A. I would say it's three buckets. It's
19 the no contact, the return mail, and the national
20 change of address.

21 Q. Okay.

22 A. But then they're all kind of put into
23 this one bucket in this part of the process?

24 Q. Does the Secretary of State track the
25 people who are canceled and reregister?

1 A. No, not as a matter of course.

2 Q. Could the Secretary of State do that?

3 A. I recall seeing news reports about that
4 and -- so to answer your question, yes.

5 Q. A voter who has been canceled is no
6 longer on the registration list, is the data about that
7 voter still in the Secretary of State's system?

8 A. Yes, sir. So, for instance, I moved
9 away from Georgia and when I moved back and
10 reregistered, it found me. So it has all my -- that
11 old data as well.

12 Q. For the people on Exhibit 105, you are
13 implementing HB 316 by sending a second notice; correct?

14 A. Yes, sir.

15 Q. And for the no contact people using the
16 five years rather than the three years?

17 A. No.

18 MR. RUSSO: John when you're referring to
19 you, you're referring to Secretary of State's office.
20 And when you refer to Secretary of State, are you
21 referring to the Secretary of State's office also?

22 MR. CHANDLER: I am trying to refer to
23 the Secretary of State's office every time unless I make
24 it clear that I'm not. And I don't mean you because I
25 don't think you're pushing those buttons. Go ahead.

1 A. Could you repeat the question?

2 Q. Sure. For the people in the 6,000 pages
3 of Exhibit 105 -- we would have 6,000 pages except we
4 just copied the first page -- for those people you are
5 complying with HB 316 in the sense that you are sending
6 a second notice; correct?

7 A. Correct.

8 Q. Secretary of State's office?

9 A. Yes, sir, Secretary of State's office.
10 Well, really the counties, but it's kind of a dual
11 process.

12 Q. Except you aren't sure whether -- for the
13 second notice, whether those --

14 A. I think for this time, it's the first
15 time we -- I know we took on more than we usually do,
16 but I couldn't speak specifically to --

17 Q. Paid for postage, but you're not sure who
18 actually mailed it?

19 A. Correct.

20 Q. For the no contact people, are you -- the
21 Secretary of State's office -- complying with HB 316
22 which changed the time period from three years to five
23 years?

24 A. So yes, we are complying with 316, but
25 we didn't see that as backward looking. So the people

1 that are in -- that were in no contact that are in
2 inactive for no contact, we didn't go back and move
3 them out of inactive. Now, going forward, when we
4 move people into inactive for no contact, it will
5 be -- they'll have had five years of no contact
6 instead of three years.

7 Q. But the people on Exhibit 105 have had
8 three years of no contact or more?

9 A. Correct.

10 Q. Without asking for your legal advice, can
11 you tell me why you think that the five years doesn't
12 apply to these folks?

13 A. I think it has to do with kind of when
14 a statute is retroactive.

15 Q. Without telling me which setup -- your
16 asked about that, weren't you?

17 MR. RUSSO: I object to that. I don't
18 know how he can answer that without saying the content
19 but --

20 MR. CHANDLER: Just a subject matter.

21 MR. RUSSO: By somebody? Is that what
22 you're asking or by somebody that's privilege window the
23 client?

24 MR. CHANDLER: It doesn't matter. You
25 can skip that one.